



07-13-01

PTO/SB/29 (10-00)

23

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEgnd
8.01

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CONTINUED PROSECUTION APPLICATION (CPA)

REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
 DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No. of Prior Application	SPO-103
First Named Inventor	Toshio Sone
Examiner Name	Marianne DiBrino
Group Art Unit	1644
Express Mail Label No.	ET324078921US

TECH CENTER
600/2600RECEIVED
JUL 16 2001

This is a request for a continuation or divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09/142,524
filed on January 4, 1999, entitled Peptide-Based Immunotherapeutic Agent for Treating Allergic Diseases

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective as of May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed: 07/16/2001 STEFFERA 00000104 190065 09142524
 - a. PTO-1449
 - b. Copies of IDS Citations

01 FC:131	710.00 CH
02 FC:103	162.00 CH

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (i))	29 -20* =	9	x \$ 18 =	\$162.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	2 -3** =	0	x \$ _____ =	\$0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ _____ =	\$0.00
				BASIC FEE (37 CFR 1.16)	\$710.00
				Total of above Calculations =	\$872.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	\$872.00

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
 7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 19-0065:

- a. Fees required under 37 CFR 1.16.
- b. Fees required under 37 CFR 1.17.
- c. Fees required under 37 CFR 1.18.

8. A check in the amount of \$ _____ is enclosed.
 9. Payment by credit card. Form PTO-2038 is attached.
 10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
 b. Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
 13. Other: Fee Transmittal Form (in duplicate) and Petition for 4-Month Ext. of Time

NOTE: The prior application's correspondence address will carry over to this CPA
 UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS Customer Number or Bar Code Label

23,557

or New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Frank C. Eisenschenk, Ph.D.
Signature	<u>Frank C. Eisenschenk</u>
Registration No. (Attorney/Agent)	45,332
Date	July 12, 2001



Utility Patent Application
Docket No. SPO-103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. : SPO-103
Applicant(s) : Toshio Sone, Akinori Kume, Kazuo Dairiki, Akiko Iwama, Kohsuke Kino
Examiner : Marianne DiBrino
Art Unit : 1644
For : Peptide-Based Immunotherapeutic Agent for Treating Allergic Diseases

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING BY EXPRESS MAIL (37 CFR 1.10)

Express Mail No. ET 324078921 US Date of Deposit: July 12, 2001
ET324078921US

JUL 16 2001
TECH CENTER 1600/2900

RECEIVED

I hereby certify that the items listed on the attached Continued Prosecution Application (CPA) Request Transmittal form, with copies as required for authorization for use of Deposit Account No. 19-0065, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and are addressed to: Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231.

Amy Nguyen
Name of person mailing paper

Amy Nguyen
Signature